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ATTORNEYS FOR WELLS FARGO
BANK, NATIONAL ASSOCIATION,
IN ITS CAPACITY AS TRUSTEE
PURSUANT TO VARIOUS TRUST
AGREEMENTS

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re	:
	:
LEHMAN BROTHERS HOLDINGS INC., et al.,	:
	:
Debtors.	:
	:
	:
-----X	

Chapter 11 Case No.
08-13555 (JMP)
(Jointly Administered)

**JOINDER OF WELLS FARGO BANK, NATIONAL ASSOCIATION, IN ITS
CAPACITY AS TRUSTEE PURSUANT TO VARIOUS TRUST AGREEMENTS, TO
THE OBJECTION OF BARCLAY'S CAPITAL INC. TO THE MOTION OF THE
DEBTORS, PURSUANT TO SECTION 502(b)(9) OF THE BANKRUPTCY CODE
AND BANKRUPTCY RULE 3003(c)(3), FOR ESTABLISHMENT OF THE
DEADLINE FOR FILING PROOFS OF CLAIM, APPROVAL OF THE FORM AND
MANNER OF NOTICE THEREOF AND APPROVAL OF THE PROOF OF CLAIM
FORM**

Wells Fargo Bank, National Association, in its capacity as trustee pursuant to various
trust agreements, ("Wells Fargo") by and through its undersigned attorneys, hereby joins in
the Objection Of Barclays Capital Inc. To The Motion Of The Debtors, Pursuant To Section

502(b)(9) Of The Bankruptcy Code And Bankruptcy Rule 3003(c)(3), For Establishment Of The Deadline For Filing Proofs Of Claim, Approval Of The Form And Manner Of Notice Thereof And Approval Of The Proof Of Claim Form (the “Objection”), dated June 11, 2009 [D.I. 3820], filed on behalf of Barclay’s Capital Inc., Barclay’s Bank PLC, and their affiliates (the “Claimants”) and incorporates the objections raised therein by reference as if set forth fully herein, and respectfully represents as follows:

1. Like the Claimants in the pending Objection, Wells Fargo is a creditor of Lehman Brothers Holdings, Inc. and certain of its affiliated debtors in the above-captioned cases (collectively, the “Debtors”). Wells Fargo, in its capacity as trustee pursuant to numerous trust agreements, has claims against the Debtors arising from, *inter alia*, derivative contracts and guarantees.

2. Wells Fargo reserves all rights and nothing herein shall be construed as an admission or waiver of any rights or claims that Wells Fargo may be entitled to assert on its own behalf or on behalf of any trust for which it acts as trustee.

3. Wells Fargo hereby joins with, and incorporates by reference herein, all arguments and assertions that the Claimants made in the Objection. Wells Fargo reserves all rights to be heard before the Court with regard to the issues raised in the Objection. Wells Fargo anticipates that it will file claims on behalf of various trusts for which it acts as trustee under various trust agreements. Paragraph 19 of the Debtor’s Motion Pursuant To Section 502(b)(9) Of The Bankruptcy Code And Bankruptcy Rule 3003(c)(3) For Establishment Of The Deadline For Filing Proofs Of Claim, Approval Of The Form And Manner Of Notice Thereof And Approval Of The Proof Of Claim Form dated May 26, 2009 (the “Bar Date Motion”) [D.I. 3654], states that “the Bar Date Order will explicitly provide that third parties

are not permitted to assert claims on behalf of another party, and that claims asserted by persons other than those are [sic] legally entitled and authorized to assert such claim shall be disallowed.” This language raises questions about the ability of third parties, including trustees such as Wells Fargo, to file claims on behalf of their respective trusts. The language of the Debtors’ proposed bar date order (the “Proposed Bar Date Order”), which provides in the last full paragraph on page 9 that “any claims asserted, other than claims asserted by parties that are legally entitled and authorized to assert such claim, shall be disallowed,” does not appear to contain the absolute bar to claims filed by third parties that the Debtors describe in the Bar Date Motion (although the meaning of the term “entitled” in this context is unclear). Wells Fargo believes that the last full paragraph on page 9 of the Proposed Bar Date Order is unnecessary to the extent that it simply repeats the requirements of Bankruptcy Rule 3001(b) (“[a] proof of claim shall be executed by the creditor or the creditor’s authorized agent except as provided in Rules 3004 and 3005”) and inappropriate to the extent that it attempts to place restrictions on who may file a claim beyond the restrictions contained in the Bankruptcy Rules. Accordingly, Wells Fargo respectfully requests that the Court omit the last full paragraph on page 9 of the Debtors’ Proposed Bar Date Order. In the alternative, to the extent that the Court believes it is appropriate to remind creditors of the requirements of Bankruptcy Rule 3001(b), Wells Fargo requests that the Court replace the last full paragraph on page 9 of the Proposed Bar Date Order with the following:

ORDERED that, as provided in Bankruptcy Rule 3001(b), each proof of claim shall be executed by the creditor or the creditor’s authorized agent, except as provided in Rules 3004 (“Filing of Claims by Debtor or Trustee”) and 3005 (“Filing Claim ... by Guarantor, Surety, Indorser, or Other Codebtor”).

WHEREFORE, for the reasons set forth herein, Wells Fargo respectfully joins in the Objection and requests that the relief sought therein be made fully applicable to Wells Fargo; and that the Court grant such other and further relief as it deems proper and just.

June 23, 2009

/s/ Michael M. Krauss

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